

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** By **CHAIRMAN JIM ELLIOTT**, on March 11, 2005 at 8:01 A.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Jerry W. Black (R)  
Sen. Jeff Essmann (R)  
Sen. Kelly Gebhardt (R)  
Sen. Dan Harrington (D)  
Sen. Sam Kitzenberg (R)  
Sen. Bob Story Jr. (R)  
Sen. Ken Toole (D)  
Sen. Kim Gillan (D)

**Members Excused:** Sen. Jon Ellingson (D)  
Sen. Trudi Schmidt (D)

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Lee Heiman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 463, 2/16/2005; SB 506, 3/3/2005  
Executive Action: SB 345, SB 133, SB 463, SB 276,  
SB 284, SB 48, SB 504, SB 213

00:00:18

**HEARING ON HB 463**

**Opening Statement by Sponsor:**

REP. TOM FACEY (D), HD 95, opened the hearing on **HB 463**, Increase and extend tax credit for postconsumer glass use.

**EXHIBIT**(tas54a01)

**Proponents' Testimony:**

00:02:42            Art Compton, Department of Environmental Quality

00:03:46            Margaret Morgan, Holsum Trident Cement

00:05:46            Gary Forrester, Montana Contractors Association

**Opponents' Testimony:** None.

**Informational Testimony:** None.

00:06:22

**Questions from Committee Members and Responses:**

00:09:16

**Closing by Sponsor:**

00:09:37

**HEARING ON SB 506**

**Opening Statement by Sponsor:**

SEN. JOHN COBB (R), SD 9, opened the hearing on **SB 506**, Simplify income tax.

**EXHIBIT**(tas54a02)

**Proponents' Testimony:** None.

**Opponents' Testimony:**

00:15:50            Aidan Myhre, Governors Task Force on Endowed  
Philanthropy

**EXHIBIT**(tas54a03)

**Informational Testimony:**

00:16:08            Larry Finch, Department of Revenue

00:16:52

Questions from Committee Members and Responses:

00:47:32

Closing by Sponsor:

00:48:47 Stand at ease.

00:57:27 Returned to order.

00:59:44

EXECUTIVE ACTION ON SB 345

Motion: SEN. TOOLE moved that SB 345 DO PASS.

Motion: SEN. ESSMANN moved that SB 345 BE AMENDED.

[EXHIBIT](#)(tas54a04)

Motion/Vote: SEN. ESSMANN moved that SB 345 BE AMENDED. Motion carried 6-5 by roll call vote with SEN. ELLINGSON, SEN. GILLAN, SEN. HARRINGTON, SEN. SCHMIDT, and SEN. TOOLE voting no. SEN. ELLINGSON and SEN. SCHMIDT voted no by proxy.

Motion: SEN. TOOLE moved that SB 345 DO PASS AS AMENDED.

Motion: SEN. ELLIOTT moved that SB 345 BE AMENDED to insert counties where applicable and strike section 6 and 7.

Substitute Motion/Vote: SEN. ELLIOTT made a substitute motion that SB 345 BE AMENDED to strike section 6 and 7. Substitute motion carried unanimously by voice vote.

Motion/Vote: SEN. TOOLE moved that SB 345 DO PASS AS AMENDED. Motion carried unanimously by roll call vote. SEN. ELLINGSON and SEN. SCHMIDT voted aye by proxy.

01:28:14

EXECUTIVE ACTION ON SB 133

Motion: SEN. GILLAN moved that SB 133 DO PASS.

Motion/Vote: SEN. ESSMANN moved that SB 133 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas54a05)

Motion/Vote: SEN. GILLAN moved that SB 133 DO PASS AS AMENDED.  
Motion carried unanimously by voice vote.

Motion/Vote: SEN. GILLAN moved that SB 133 DO PASS AS AMENDED.  
Motion carried 7-4 by roll call vote with SEN. ELLIOTT, SEN.  
HARRINGTON, SEN. STORY, and SEN. TOOLE voting no. SEN. ELLINGSON  
and SEN. SCHMIDT voted aye by proxy.

01:46:28

EXECUTIVE ACTION ON HB 463

Motion/Vote: SEN. TOOLE moved that SB 463 DO PASS. Motion  
carried unanimously by voice vote.

01:48:07

EXECUTIVE ACTION ON SB 276

Motion: SEN. TOOLE moved that SB 276 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 276 BE AMENDED. Motion  
carried unanimously by voice vote.

[EXHIBIT](#)(tas54a06)

Motion: SEN. GEBHARDT moved that SB 276 DO PASS AS AMENDED.

SEN. GEBHARDT withdrew the motion.

01:59:10

EXECUTIVE ACTION ON SB 284

Motion/Vote: SEN. TOOLE moved that SB 284 BE TABLED. Motion  
carried unanimously by voice vote.

02:03:56

EXECUTIVE ACTION ON SB 48

Motion: SEN. HARRINGTON moved that SB 48 DO PASS.

Motion/Vote: SEN. HARRINGTON moved that SB 48 BE AMENDED. Motion  
carried 8-1 by voice vote with SEN. STORY voting no.

[EXHIBIT](#)(tas54a07)

02:15:13

EXECUTIVE ACTION ON SB 504

Motion: SEN. ESSMANN moved that SB 504 DO PASS.

Motion/Vote: SEN. ESSMANN moved that SB 504 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#)(tas54a08)

SEN. ESSMANN withdrew the motion.

02:26:41

EXECUTIVE ACTION ON SB 213

Motion: SEN. TOOLE moved that SB 213 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 213 BE AMENDED. Motion carried 6-5 with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, SEN. GILLAN, and SEN. STORY voting no. SEN. ELLINGSON and SEN. SCHMIDT voted aye by proxy.

Motion: SEN. TOOLE moved that SB 213 DO PASS AS AMENDED.

Motion/Vote: SEN. TOOLE moved that SB 213 BE AMENDED. Motion carried unanimously by roll call vote.

[EXHIBIT](#)(tas54a09)

**ADJOURNMENT**

Adjournment: 10:45 A.M.

---

SEN. JIM ELLIOTT, Chairman

---

KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

**EXHIBIT ([tas54aad0.TIF](#))**